194

File No. O. Ports/48
Legal Department

A **BRANCH**

Subject:— Opinions under the Indian Port Act-1908

P3F

File No. O. Ports/48

Gen. 194 a.

412-A

K

G.G. RECORDS

Legal Department File No. L. Parts/45.

Ord. No.	M.L./L.No.	Subject	Pages.
		Opinions under the Indian Ports Act, 1908.	
1.	No. 5148 1-7-46.	Section 3(7) and cl. (k) of section 6(1) (a) of the Bombay Minor Ports Passengers Vessels Rules. Question whether the term 'boat' includes 'vessels'.	1-3.
2.	No. 11989 8-10-46.	Section 4(1)(c). Question regarding extending the Act to certain area and defining the limits of such area.	3-4.

SVV
19.5.50
D.D.

4/5/6

6/6

Bombay Minor Ports Passengers Vessels Rules, Rule 3.

Whether the term boat includes vessel.

Office of the Asst.

The view taken by the Collector of Central Excise is correct. The definition of "vessel" in section 3(7) of the Indian Ports Act, 1908, is very wide. In clause (2) of section (1) under which rule 3 of the Bombay Minor Ports Passengers Vessels Rules is framed, the words "such vessels" are used to cover catamarans and boats. Prima facie, therefore, boats mean vessels other than catamarans and in that sense that word is used in rule 3. The wording of Rule 3 and the rules which follow also show that the term vessel includes a boat.

Sd/- P.M.I.
Remembrancer of Legal Affairs.

U.R. to R.D.,No. 6148, dated the 1st July 1918.

SVV
19.5.50
4 c.

I.D.R.I. No. 11553 dt. 24-9-48.

The provisions of sub-section (2) of sec. 4 of the Indian Ports Act, 1908, are mandatory, and contemplate that the notification issued under Clause (a) of sub-section (1) extending the Act to the Port of Palshet should also define the limits of that Port. It does not contemplate issue of a separate notification declaring the limits of the port of Palshet as stated by the Collr. of Central Excises Bombay Reply may be-

"Seen and returned. The view taken in para. 2 of the R.D. office note of 4-8-48 is correct."

Id 30/11
A.L.A sd 1/12
A-L-A

Sd/- P.M.L.
Assistant Legal Adviser

U.O. to R.D., No. 11390, dated the 2nd December 1948.

NV
19.5.56
4 c.